

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,                                 )  
   )  
   )  
   )  
Plaintiff,   )  
   )  
   )  
v.   ) Criminal Action No.  
   ) 08-00144-01-CR-W-SOW  
THURSTON WHITTED,   )  
   )  
   )  
Defendant.   )

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on September 17, 2008. Defendant Thurston Whitted appeared in person and with Assistant Federal Public Defender Ronna Holloman-Hughes. The United States of America appeared by Assistant United States Attorney David Barnes.

**I. BACKGROUND**

On June 3, 2008, an indictment was returned charging defendant with possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Barnes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Teddy Horton ATF.

Ms. Holloman-Hughes announced that she will be the trial counsel for defendant Thurston Whitted.

***III. OUTSTANDING MOTIONS***

There are no pending motions in this case.

***IV. TRIAL WITNESSES***

Mr. Barnes announced that the government intends to call 10 witnesses without stipulations or 7 witnesses with stipulations during the trial.

Ms. Holloman-Hughes announced that defendant Thurston Whitted intends to call 1 witness during the trial. The defendant may testify.

***V. TRIAL EXHIBITS***

Mr. Barnes announced that the government will offer approximately 25 exhibits without stipulations and 20 exhibits with stipulations during the trial.

Ms. Holloman-Hughes announced that defendant Thurston Whitted will offer approximately 5 exhibits in evidence during the trial.

**VI. DEFENSES**

Ms. Holloman-Hughes announced that defendant Thurston Whitted will rely on the defense of general denial.

**VII. POSSIBLE DISPOSITION**

Ms. Holloman-Hughes stated this case is probably not for trial.

**VIII. STIPULATIONS**

Stipulations are likely as to prior felony conviction and interstate nexus of firearm.

**IX. TRIAL TIME**

Counsel were in agreement that this case will take 1 1/2 days to try.

**X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed September 17, 2008, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 17, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 24, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, September 24,

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter

2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

**XI. UNUSUAL QUESTIONS OF LAW**

No motions in limine are anticipated. There are no unusual questions of law.

**XII. TRIAL SETTING**

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on September 29, 2008.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
September 17, 2008

cc: The Honorable Scott O. Wright  
Mr. David Barnes  
Ms. Ronna Holloman-Hughes  
Mr. Jeff Burkholder

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which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by Friday, September 26, 2008. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.